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INDENTURE OF PRISONERS: AN EXPERIMENT¹

JESSIE D. HODDER²

It will be remembered that we had two heavy epidemics of influenza last winter. We, at the Reformatory for Women, adopted as our slogan, "Keep your bugs to yourself," i. e., no sneezing or coughing from under cover, absolute regard for each other's well-being. We closed our workrooms during the sunny part of the day and spent the time out of doors, wrapped in heavy blankets. Rigid quarantine was observed, and we escaped the first epidemic. We were in a buoyant, helpful mood, though we heard of people in distress everywhere.

We knew that the hospital at X. was in terrible need. People were dying, nurses as well as patients; no help could be secured; a member of the Board of Trustees was in charge of the kitchen almost single-handed. Our well-being and happiness under the circumstances were too good; we felt we must share them, must be allowed to help.

It was under these circumstances, with this background, that we called into use the Massachusetts law for the indenture of women prisoners. I quote it:

REVISED LAWS, CHAPTER 225, SECTIONS 69 AND 70

Section 69. The prison commissioners may, with the consent of a woman who is serving a sentence in the reformatory prison for women, or in a jail or house of correction, and with the consent of the county commissioners, if she is in a jail or house of correction, contract to have her employed in domestic service for such term, not exceeding her term of imprisonment, and upon such conditions as they consider proper with reference to her welfare and reformation. If, in their opinion, her conduct at any time during the term of the contract is not good, they may order her to return to the prison from which she was taken.

Section 70. If she leaves her place of service, or if, having been ordered by the commissioners to return to prison, she neglects or refuses so to do, she shall be held to have escaped from prison and may be arrested and returned to the prison from which she was taken as if she had escaped therefrom, and shall upon conviction of such escape, be punished by imprisonment in the reformatory prison for women, or in a jail or house of correction for not less than three months nor more than one year. The expense of her arrest and return to prison shall be paid in the same manner as the expenses of the arrest and return of a prisoner who escapes from prison.

¹Address before the American Institute of Criminal Law and Criminology, Boston, Mass., Sept., 1919.

²Superintendent, Massachusetts Reformatory for Women.

The law had not been used for years, nor had it been repealed. It would seem to have been the forerunner of parole and the indeterminate sentence. It was used to place women prisoners at work in private families under the supervision of the employer only. One can imagine successes and also abuses. The danger lay in its being used for binding out prisoners to labor.

Our present use of the law is as a department of the reformatory, a department in the community, using the community as the means of reforming the prisoner. We do not plan to bind the prisoner to labor—we mean to apprentice her to life, to learn to live in the world. We shall place her at work for wages, and we shall expect her work to be excellent and the wage high, but neither the work nor the wage is our primary object; they are but the means whereby we shall get the prisoner beyond the reformatory walls. It is in the community that prisoners fail, and we believe it is there they will best learn to make good.³

Let me tell you briefly of our experiment as far as we have gone, and then let us look together into the future and see where it will lead us in the treatment of prisoners. I am speaking of women prisoners only; whether or not the plan is adaptable for men prisoners, especially for short term men in camps in farming districts, I do not know, but I should like to see it tried.

We have had 14 women in all on indenture since October, 1918. They have earned for themselves \$2,937.18. They have not cost the state one penny. They earn the same wages that other workers do in like work. They have their time off during the day and their day off a week as do other workers. Their wages are held in the bank at interest under trusteeship until they are paroled or their sentences expire. One woman went to night school in the town last winter and earned a diploma; another, an old rounder, finished out her sentence and earned a set of teeth; a third, who was with us for manslaughter, is to be deported and is earning a few hundred dollars to take home to her peasant mother. One has earned \$553.75, and I shall ask the Board of Parole to parole her at its next session to make room for another indentured prisoner, as I do not want to mix the two processes of indenture and parole. Another has earned \$521.28, and I hope she may stay where she is to the end of her sentence. I want to hold this woman because she has swindled many good people, and I believe she will see the wisdom and the ethics of paying a certain per cent

³Dr. Charles Bernstein, Superintendent of the Feeble-minded Colony at Rome, New York, has worked out a similar scheme for the feeble-minded which he calls "Extra-Institutional Care of the Feeble-minded."

on the dollar when the commonwealth has allowed her to earn \$14 a week during her sentence. She is an international swindler who has seen "service" in many countries. I hope she will like ours the best.

Some of the women we have tried are feeble-minded, some are psychopaths, some are normal. The range of crime has been from simple drunkenness to manslaughter. These women have been under very slight supervision, and one has run away.

Each woman is asked whether or not she wants to be indentured. It is explained to her that indenture does not mean parole—that is, she will not have her money to spend nor her liberty. She will be allowed to attend religious services, to have spending money. She will be helped to make and taught to buy her own clothes; she knows that she may go to night school. She is told all about the place, the wages, the work. I have many more applicants than I need. Most of the women are eager for the chance. One old rounder said: "A bankbook, hey, with money to my credit! Well, I'll go home and see the folks and put that under their noses." Unfortunately, she got out before prohibition got in, and the bankbook went the way of many another bankbook of a thirsty person. She is serving a jail sentence now. She is an excellent worker—clean as a pin! The community needs her on her terms—the terms on which she can serve it. She should not be in jail. Indenture will hold her as an economic asset; the jail holds her as an economic liability.

Remember, won't you, that the women are working in groups. Some are cooks and cooks' helpers, others are laundresses, wardmaids, seamstresses and chambermaids in the adjoining nurses' home. They are not alone or lonely. They live at the hospital as any group of working girls might, and for want of a better development (our experiment is so new), they spend their days off at my house.

What is the philosophy? Why does it work? Why is it possible to place a mixed group of prisoners, whose time is not yet up, in the community without guards?

The philosophy is probably the same as that of probation, parole, the cottage system, the barless windows, the unlocked doors, the open camp! The heavy, high wall, the man with the gun, the dark cell, were built by society's fears, not by the prisoners. The prisoner is oftentimes as frightened at society's tools of restraint as we are at his tools for murder or burglary. It is a deadlock; each has checkmated the other. A good job, a good wage, and a consciousness of being needed to help may be wall enough for some prisoners. Our job is

to find out just how thin a wall will hold the prisoner, with safety to himself and society, and yet give him the training he needs to take parole honorably and, at the expiration of his sentence, complete liberty as a self-respecting citizen.

As we see the possibilities of indenture, it offers the tool by which to hold the prisoner as society demands, and it offers the prison warden the tool with which to teach the prisoner to know and to understand the value of the community and how to share in its growth for good. No prison or reformatory can do that, because the groups are too big, the isolation too complete, the atmosphere too abnormal. Prisons and reformatories are a makeshift, good only until a more enlightened method can be found for the treatment of prisoners.

The defect in the experiment thus far is the lack of organized use of the non-working hours, which, of course, is the crux of the whole experiment. We should rent a small house or apartment where 10 to 12 of the women would keep house under the training and supervision of one of our best workers and an assistant. Every detail of good housekeeping and good home-making would be worked out; they would become a conscious part of the community, not a drifting part of it. They would be trained in such things as they did not know—the economics of housekeeping, the value of wholesome recreation, how to choose clean plays, the use of the public library, civics, and, of course, each woman would pursue her own religion. This would occupy their free time in a normal way when their work was done.

But let us come back to the experiment and its future. The same principle would apply in placing a group of girls who hate housework, and there are such, to work in a factory or in factories in the same town. The home again, with its small group and its larger life—real community life—would be their training school, their place to discuss problems, undo tangles, adjust opinions and practice living.

I should like to experiment with one other group than these two described, i. e., a housework group on the eight-hour system. I should like to see if housework, with proper hours, wages and conditions cannot be made a dignified profession, honorable for any one to take up.

None of this can be done without big faith on the part of the community, and complete co-operation and sanction of the prisoners. They must see it as their opportunity—they must be willing to be pioneers, to suffer, to be misunderstood, to have some fail, but always to be conscious of the goal ahead.